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Message Text

SECRET

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12
ACTION SS-25

INFO OCT-01 ISO-00 SSO-00 NSCE-00 /026 W
---------- 052814
O R 150735Z FEB 75
FM AMEMBASSY SAIGON
TO SECSTATE WASHDC IMMEDIATE 2796
INFO SECDEF WASHDC IMMEDIATE
CINCPAC IMMEDIATE
AMEMBASSY PHNOM PENH

S E C R E T SAIGON 01764

EXDIS - MILITARY COMMANDS HANDLE AS SPECAT EXCLUSIVE

EA ALSO PASS AMBASSADOR MARTIN

E.O. 11652: GDS
TAGS: MASS VS CB
SUBJECT: LOAN OF VIETNAMESE MONITORS TO KHMER NAVY

1. SHORTLY BEFORE HIS DEPARTURE ADMIRAL GAYLER RAISED WITH ME THE QUESTION WHETHER THE VIETNAMESE NAVY MIGHT LEND FOUR MONITORS TO THE KHMER NAVY FOR MINE SWEEPING OPERATIONS IN THE MEKONG CHANNEL IN CAMBODIA. CINCPAC WILL URGENTLY POSE THE QUESTION TO DOD. WHILE IT IS ENTIRELY POSSIBLE THAT THE VIETNAMESE WOULD AGREE TO SUCH A LOAN WE NEED TO LOOK AT THE IMPLICATIONS AND ARRIVE AT OUR OWN CONCLUSIONS BEFORE ANY APPROACH IS MADE TO THE GVN WHERE IT WOULD CERTAINLY TAKE PRESIDENT THIEU'S PERSONAL APPROVAL BEFORE ANY BOATS ARE LOANED TO THE KHMERS.

2. THE MONITORS IN QUESTION WERE TURNED OVER TO THE VNN BY THE US NAVY IN 1972 OR EARLIER. THERE ARE TWO TYPES OF MONITORS AVAILABLE TO THE VNN. ONE TYPE HAS A 105 MM HOWITZER MOUNTED ON BOARD. THE VNN IS UNLIKELY TO AGREE TO RELEASE THIS TYPE. THE OTHER TYPE HAS NO GUN MOUNTED AND THE GVN MAY AGREE TO RELEASE FOUR OF THESE ALTHOUGH THIS IS BY NO MEANS CERTAIN.

3. IT IS OF COURSE ENTIRELY POSSIBLE THAT THE MONITORS IN QUESTION
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WERE PROCURRED AND TURNED OVER TO THE VIETNAMESE AT A TIME AND UNDER

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CIRCUMSTANCES WHICH WOULD NOT MAKE THEM SUBJECT TO THE LEGISLATIVE PROHIBITION AGAINST THE USE OF FUNDS INTENDED FOR VIETNAM TO PROVIDE MILITARY SUPPORT TO CAMBODIA WHICH IS NOW CONTAINED IN SECTION 701 TITLE VII OF THE DOD AUTHORIZATION ACT. NEVERTHELESS AND FULLY RECOGNIZING CAMBODIA'S URGENT PROBLEMS WITH RESPECT TO THE MEKONG CONVOYS, I REGRETFULLY CONCLUDE THAT WE SHOULD NOT APPROACH THE VIETNAMESE WITH THE REQUEST FOR THE LOAN OF THESE MONITORS AND THAT NO SUCH LOAN SHOULD BE MADE.

4. WHILE NOT AWARE OF ALL THE LEGAL QUESTIONS WHICH MAY BE INVOLVED IT SEEMS TO US THAT SUCH A LOAN WOULD RUN COUNTER TO TITLE IV SECTION 401(1) AND (2) OF THE 1966 ARMED FORCES SUPPLEMENTAL AUTHORIZATION ACT WHICH WE BELIEVE IS STILL ON THE STATUTE BOOKS. (SEE PAGES 239 AND 240 OF THE 93RD CONGRESS JOINT COMMITTEE PRINT ON LEGISLATION ON FOREIGN RELATIONS.)

5. MORE IMPORTANT, HOWEVER, THAN THE TECHNICAL LEGAL RAMIFICATIONS IS THE FACT THAT IT IS THE OBVIOUS INTENT OF CONGRESS TO CLEARLY SEPARATE

SUPPORT FOR CAMBODIA AND SUPPORT FOR SOUTH VIETNAM. THE CONGRESSIONAL INTENT TO AVOID ANY MERGING OF RESOURCES INTENDED FOR VIETNAM WITH THOSE INTENDED FOR CAMBODIA IS EVIDENT NOT ONLY FROM THE LANGUAGE OF THE LAW BUT ALSO THE LEGISLATIVE HISTORY, PARTICULARLY IN THE LAST TWO OR THREE YEARS. TAMPERING WITH THIS, THEREFORE, JEOPARDIZES OUR CHANCES OF OBTAINING CONGRESSIONAL APPROVAL OF THE DAV SUPPLEMENTAL FOR SOUTH VIETNAM.

6. IT MAY OF COURSE BE THAT WE ARE WRONG AND THAT THERE IS NEITHER A LEGAL BAR AGAINST THE PROPOSED LOAN NOR ANY RISK WHATEVER THAT GOING AHEAD WITH IT WOULD JEOPARDIZE ACHIEVEMENT OF OUR OBJECTIVES WITH RESPECT TO CONGRESSIONAL APPROVAL OF THE DAV SUPPLEMENTAL AND AN ADEQUATE LEVEL OF FUTURE MILITARY ASSISTANCE FOR VIETNAM. IF SO, THAT WOULD BE GOOD NEWS AND WE WOULD BE PREPARED TO WITHDRAW OUR OBJECTION.
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Message Attributes

Automatic Decaptioning: Z
Capture Date: 01 JAN 1994
Channel Indicators: n/a
Current Classification: UNCLASSIFIED
Concepts: NAVAL SHIPS, MILITARY EQUIPMENT LOANS
Control Number: n/a
Copy: SINGLE
Draft Date: 15 FEB 1975
Decaption Date: 28 MAY 2004
Decaption Note: 25 YEAR REVIEW
Disposition Action: RELEASED
Disposition Approved on Date:
Disposition Authority: RowellE0
Disposition Case Number: n/a
Disposition Comment: 25 YEAR REVIEW
Disposition Date: 28 MAY 2004
Disposition Event:
Disposition History: n/a
Disposition Reason:
Disposition Remarks:
Document Number: 1975SAIGON01764
Document Source: CORE
Document Unique ID: 00
Drafter: n/a
Enclosure: n/a
Executive Order: GS
Errors: N/A
Film Number: D750055-0872
From: SAIGON
Handling Restrictions: n/a
Image Path:
ISecure: 1
Legacy Key: link1975/newtext/t19750239/aaaabipm.tel
Line Count: 96
Locator: TEXT ON-LINE, ON MICROFILM
Office: ACTION SS
Original Classification: SECRET
Original Handling Restrictions: EXDIS
Original Previous Classification: n/a
Original Previous Handling Restrictions: n/a
Page Count: 2
Previous Channel Indicators: n/a
Previous Classification: SECRET
Previous Handling Restrictions: EXDIS
Reference: n/a
Review Action: RELEASED, APPROVED
Review Authority: RowellE0
Review Comment: n/a
Review Content Flags:
Review Date: 09 JUL 2003
Review Event:
Review Exemptions: n/a
Review History: RELEASED <09 JUL 2003 by CunninFX>; APPROVED <13 NOV 2003 by RowellE0>
Review Markings:

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US Department of State
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05 JUL 2006

Review Media Identifier:
Review Referrals: n/a
Review Release Date: n/a
Review Release Event: n/a
Review Transfer Date:
Review Withdrawn Fields: n/a
Secure: OPEN
Status: NATIVE
Subject: LOAN OF VIETNAMESE MONITORS TO KHMER NAVY
TAGS: MASS, VS, CB
To: STATE
Type: TE
Markings: Margaret P. Grafeld Declassified/Released US Department of State EO Systematic Review 05 JUL 2006